

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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YECHIEL WEBER,

Plaintiff,

-against-

KAVULICH & ASSOCIATES, PC.

Defendant.

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MEMORANDUM AND ORDER
19-CV-2190 (RPK) (ST)

RACHEL P. KOVNER, United States District Judge:

Plaintiff Yechiel Weber brought this action against Kavulich & Associates, PC, under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.* *See* Compl. ¶¶ 1, 7-8 (Dkt. #1). Defendant was served but never appeared. *See* Aff. of Service (Dkt. #10); Request for Certificate of Default (Dkt. #11); Certificate of Default (Dkt. #12). Plaintiff moved for default judgment. *See* Mot. for Default J. (Dkt. #13). That motion was referred to Magistrate Judge Steven Tiscione for a report and recommendation. *See* Order Referring Mot. (Mar. 24, 2020).

Judge Tiscione recommends that the motion for default judgment be denied. *See* Report and Recommendation (“R. & R.”) at 8 (Dkt. #14). A district court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). No party has objected to the R. & R. within the time required by Section 636(b)(1).

When no party has objected to a magistrate judge’s recommendation, the recommendation is reviewed, at most, for “clear error.” *See* Fed. R. Civ. P. 72(b), Advisory Committee’s Notes (1983) (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”); *see, e.g., Alvarez Sosa v. Barr*, 369 F. Supp. 3d 492, 497 (E.D.N.Y. 2019). Clear error will only be found only when, upon

review of the entire record, the Court is left with “the definite and firm conviction that a mistake has been committed.” *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006). I have reviewed Judge Tiscione’s report and recommendation and, having found no clear error, adopt it in full. Plaintiff’s motion for default judgment is denied. Plaintiff is directed to file a status report on or before April 17, 2021 advising the Court how he wishes to proceed.

SO ORDERED.

/s/ Rachel Kovner
RACHEL P. KOVNER
United States District Judge

Dated: March 19, 2021
Brooklyn, New York